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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,190	01/22/2002	Bernadette M. Gibbs	53394.000564	9683
56679	7590	11/03/2006	EXAMINER	
GOSZ AND PARTNERS, LLP 450 BEDFORD STREET LEXINGTON, MA 02420			REICHLER, KARIN M	
			ART UNIT	PAPER NUMBER
			3761	
DATE MAILED: 11/03/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20061018

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

see attached communication

Karin M. Reichle
Primary Examiner
Art Unit: 3761

Interview Summary	Application No.	Applicant(s)	
	10/051,190	GIBBS, BERNADETTE M.	
	Examiner	Art Unit	
	Karin M. Reichle	3761	

All participants (applicant, applicant's representative, PTO personnel):

(1) Karin M. Reichle. (3)_____.

(2) Mr. Gosz. (4)_____.

Date of Interview: 11 October 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: claims of 8/06 after final amendment and 10-10-06 FAX.

Identification of prior art discussed: Johnson '067.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The claims proposed in the After Final amendment of 8-06 were discussed. It was the Examiner's opinion that the single sheet limitation did not appear sufficient to overcome the '067 reference. Other distinctions were discussed but no specific claim language was agreed to. It was noted by the Examiner that claims including further limitations so as to recite new combinations of features would not be entered at the present stage of prosecution, i.e. would probably raise new considerations and/or search.

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FACSIMILE

To: Karin M. Reichle
Group Art Unit: 3761
U.S. Patent and Trademark Office

Fax No.: (571) 273-4936

Date: October 10, 2006

Pages: 3 (including facsimile cover sheet)

In re, Patent Application of:

Bernadette M. Gibbs

Serial No.: 10/051,190

Filed: January 22, 2002

Title: ABSORBENT GARMENT TAB HAVING
ELASTICITY ZONES

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PROPOSAL FOR DISCUSSION PURPOSES ONLY

Applicant: Bernadette M. Gibbs Examiner: Karin M. Reichle
Serial No.: 10/051,190 Art Unit: 3761
Filed: January 22, 2002
Title: ABSORBENT GARMENT TAB HAVING ELASTICITY ZONES

Docket No.: 35662
Examiner: Karin M. Reichle
Art Unit: 3761
Fax. No. 571-273-4936

FOR DISCUSSION PURPOSES ONLY

The above-identified application is currently under final rejection, with a 6-month response date of October 18, 2006. An Amendment After Final was filed on July 19, 2006, but was not entered.

There are no §112 issues in the application, and the only prior art rejection is a §102(b) rejection on the basis of a single piece of prior art (GB '067). There are several double patenting rejections, but applicant believes that these can be overcome by the filing of a terminal disclaimer.

The invention is directed to a tab for use with an absorbent article. The tab of the invention is believed to be accurately depicted in, for instance, FIGS. 3 and 4. FIG. 3, in particular, shows the construction of the tab. Element 110 is an elastic film, while 2 and 4 are the top sheet and bottom sheet. "Dead zones" are created in the tab to provide areas of variable elasticity. This is shown by elements 130, 132 and 134. As shown in FIG. 3, these elements are affixed to the surface portion of the elastic sheet 110 (or "tab chassis" as defined in the specification).

PROPOSAL FOR DISCUSSION PURPOSES ONLY ---

GB '607 depicts a fastener tab as shown in FIGS. 1, 6 and 8 of the reference. The construction of the tab is a "composite" in the sense that there is no single sheet of material extending the length of the tab. This can be seen in FIGS. 7 and 9. The tab of the reference can be interpreted to include a dead zone such as the stress beam section of the tab.

Applicant would like to discuss claim wording alternatives to distinguish the present invention from the reference, and would be amenable to changes in wording that would make clear the differences between the tab of the reference and the tab of the present invention, and whether this would create patentable subject matter. Alternatively, are there dependent claims which could be used to create allowable subject matter? Applicant would also like to get a sense as to flexibility with respect to amending the claims at this time to expedite prosecution.

End